

HFS 45.05 Staffing.

(1) RESPONSIBILITIES AND QUALIFICATIONS OF STAFF.

(a) *Minimum age and competence.* A family child care provider shall be physically, mentally and emotionally able to provide responsible care for children and shall be at least 18 years of age.

(b) *Training.*

1. A provider shall have satisfactorily completed 40 hours or 3 credits of early childhood training approved by the department within 6 months after initial licensure. Additional providers required to meet staff to child ratios shall meet the training requirements within 6 months of beginning to work with children.

Note: Non-credit courses entitled *Introduction to the Child Care Profession* and *Fundamentals of Family Child Care*, together, meet the requirement for 40 hours of Department-approved training. Credit-based courses used to meet entry level training requirements must be at least 3 credits and be broad-based (for example, child development, child psychology or introduction to early childhood education).

See Appendix Y for a list of private agencies approved by the department to offer non-credit courses.

2. If the center is licensed to care for children under 2 years of age, s. HFS 45.09(1)(b) shall apply to all providers.

3. A substitute hired to meet staff to child ratios need not meet the training requirements specified in this section until the substitute has worked in the center for 240 hours.

The 240 hours is cumulative, not each year. Training must be complete at the time the individual reaches 240 hours. Documentation of the hours worked must be kept on file at the center.

4. A provider shall receive and document having received 15 hours of continuing education each year in child growth and development, early childhood education, or first aid, as approved by the department. This training may include attendance at training events, workshops, conferences, consultation with community resource people or observation of child care programs. Up to 5 hours of independent reading or watching educational materials may be used to meet continuing education requirements.

The requirement for 15 hours of continuing education each year does not become effective until the regular license is issued. However, continuing education taken during the probationary period may be counted towards the first year's requirement.

Fifteen hours of continuing education each year must be documented by class card, certificate, transcript, or Registry bar code. CFS-53A, Staff Continuing Education Record, may be used to document continuing education hours.

The required 10 hour Infant/Toddler, child abuse training and CPR course may be counted toward the continuing education requirement of 15 hours.

Continuing education hours or credit courses may be used to meet the continuing education requirement during the year in which the hours are earned and for the 2 years following that year. Hours spent in observation in another program which results in college credits (such as in the mentor/protégé program) may not be counted, but the college credit will count. Credits should be converted to hours—see Appendix M.

45.05(1)(b)4. continued

The department does not approve agencies or trainers for continuing education.

A consistent continuing education year should be established at the discretion of the licensee. Typical years are September/August, January/December or license continuation date to one year later.

CFS-2114 Continuing Education Record – Independent Reading / Video Viewing may be used to document each child care-related book, magazine, article, DVD or video tape that is read/viewed as part of an employee's continuing education effort. Up to 5 hours of independent reading or watching educational materials may be used to meet CE requirements.

Time spent doing research in the child development associate credential (CDA) process can be counted as a part of the 5 allowed hours. Time spent assembling the portfolio in the CDA process does not count toward continuing education.

The topic addressed by the continuing education experience must be one that would prepare a person to function better in their role as family child care provider and small business person.

Note: The licensee may use either the Department's form CFS-0053A, Child Care Staff Continuing Education Record, or the licensee's own form to document the completion of continuing education. Information on how to obtain the Department's form is in Appendix E.

5. A provider shall obtain within 6 months of licensure or date of hire and maintain a current certificate of completion for infant and child cardiopulmonary resuscitation. The time spent obtaining or renewing cardiopulmonary resuscitation training may be counted towards the required continuing education hours.

CPR training expires one year from date of issuance unless otherwise indicated on the certificate. If the center does not serve infants, the CPR training could be child/adult CPR.

Substitutes will need to have CPR training after they have worked in a center for 240 hours. Emergency back-up providers are not required to have CPR training.

(c) *Volunteers.* Volunteers used to meet staff-to-child ratios shall meet the qualifications of a provider as specified under par. (b) or s. HFS 45.09(1)(b) following 240 hours of first date of volunteering.

(2) STAFF DEVELOPMENT.

(a) *Orientation of employees, volunteers and substitutes.* Each employee, volunteer, or substitute shall receive an orientation before beginning work. The orientation shall be documented on a form provided by the department and kept in the employee file. The orientation shall cover all of the following:

Note: See s. HFS 45.04(2)(f) relating to a written plan for orientation.

It is recommended that orientation also include a review of all center policies and procedures, as well as a review of chapter HFS 45.

An orientation plan for employees, volunteers and substitutes is not required if the licensee is the only person providing child care.

1. Names and ages of all the children in care.

45.05(2)(a)2.

2. Current arrival and departure information for each child enrolled including the names of people authorized to pick up the child.

3. Location of children's emergency contact information.

4. Specific information relating to children's special health care needs including medications, disabilities or special health conditions.

5. Procedures to reduce the risk of sudden infant death syndrome, if the center is licensed to care for children under one year of age.

6. An overview of the daily schedule including meals, snacks, nap and any information related to the eating and sleep schedules of infants and toddlers enrolled in the center.

7. A review of the center's procedures for dealing with emergencies.

8. The procedure for reporting suspected abuse and neglect of a child.

9. The plan for evacuating sleeping children, if the center is licensed to care for children between the hours of 9 PM and 5 AM.

Note: The Department's form CFS-2255, Family Child Care Orientation Checklist, is used to document employee information. Information on how to obtain the form is in Appendix E.

(b) *Orientation of emergency back-up providers.* Each time an emergency situation occurs, each emergency back-up provider shall receive an orientation immediately before being left alone with the children. The orientation shall cover all of the following:

Note: See s. HFS 45.04(2)(f) relating to a written plan for orientation.

1. Names and ages of all the children in care.

2. Arrival and departure information for each child in care including the names of people authorized to pick up the child.

3. Location of children's files.

4. Procedures to reduce the risk of sudden infant death syndrome, if the center is licensed to care for children under one year of age.

(3) SUPERVISION.

(a)1. A provider may not be engaged in any other activity or occupation during the hours of operation of the center, except for daily maintenance of the home.

Daily maintenance of the home does not include time-consuming tasks which would prevent the provider from supervising and interacting with children. Acceptable tasks include dusting, floor sweeping, meal preparation and clean up and laundry.

Home-based occupations may not be practiced during hours of operation (such as, but not limited to, Mary Kay cosmetics, Avon, Tupperware).

45.05(3)(a)1. continued

HOME SCHOOLING: Home schooling is defined as a program of educational instruction provided to a child by the child's parent or guardian or by a person designated by the parent or guardian. The program must provide 875 hours of instruction in a sequentially-progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies, science and health each school year. Licensed family child care in a home where the provider's own children are receiving home based education may occur under the following conditions:

- *The department is notified in writing that home schooling is provided.*
- *Home-based instruction does not take place during hours of center operation.*

2. The licensee may not combine the care of children enrolled in the child care center with foster care of other non-related children or adults without the prior written approval of both licensing agencies.

Care of adult family members will be reviewed on a case-by-case basis.

(b) A provider shall be awake whenever children are in care.

(c) No individual provider may take care of children for more than 12 hours in any 24-hour period.

A license may be granted for more than 12 hours in a 24-hour period if a second qualified provider cares for and supervises children after 12 hours. If a license exceeds 12-hour care, the licensee must document the hours each provider has worked.

Reference 45.04(5)(d).

(d) No child may be in care for more than 12 hours in any 24-hour period.

An exception may be granted to a child care center for a child or children to be in care for more than 12 hours in a 24-hour period if a local business or corporation operates a 12-hour work shift for their employees or if the department determines that granting an exception would support the circumstances and the family. The exception does not need to be individual to each child if the exception is granted in relation to employees of a specific business. A written parental request for care in excess of 12 hours must be on file at the center.

(e) A child shall have adult supervision at all times.

Electronic listening devices may be used for supervising sleeping children. Consideration should be given to the quality of the device, proximity and accessibility of provider and noise levels that may interfere with the provider's ability to hear.

See 45.03(33), 45.05(3)(i) and (j), and 45.07(7)(e).

(f) No person under 18 years of age may be left in sole charge of the children.

(g) The center shall have a plan approved by the department for ensuring supervision of the children in an emergency or during a provider's absence.

See 45.04(2)(e)3 and 45.05(2)(b)

45.05(3)(h)

(h) A provider and any other adult in contact with children may not consume beverages containing alcohol or any non-prescribed controlled substance specified in ch. 961, Stats., or be under the influence of any alcohol or a non-prescribed controlled substance, during the hours of the center's operation.

(i) Each child shall be closely supervised by a provider to guide the child's behavior and activities, prevent harm and assure safety.

(j) A provider shall be outside with children and provide sight and sound supervision of the children unless the children are playing inside the enclosed outdoor area on the premises, as specified under s. 45.06(11)(b).

(k) A child may not be released to any person who has not been previously authorized by the parent to receive the child.

Centers may accept a fax or phone call from the parent with proper ID presented at time of pick up

(4) STAFFING AND GROUPING.

(a) At no time may more than 8 children be in the care of the center. This total includes:

1. All children under 7 years of age, including a provider's own children.

All licensing rules apply to the provider's own children under age 7 including HFS 45.07 (2) related to guiding children's behavior, HFS 45.08 (5) and (6) relating to transporting children, and HFS 45.09 relating to the care of infants and toddlers.

2. All children 7 years of age or older who are not a provider's own children.

See definition of family child care center 45.03(9).

Overlap periods in which more than 8 children are in care is a violation of the rule. Care for more than 8 children is in conflict with Commercial Building Codes, local zoning ordinances and staff-to-child ratios.

VISITING CHILDREN: There may be times when neighborhood or school playmates who are over the age of 7 are on the premises to visit the provider's own children. There is no rule violation in these circumstances.

Children over age 7 who visit the child care to play with children in care (not the provider's own children), or to act as a "helper" for the provider, are considered to be in the care of the provider.

When children under age 7 are present to visit the provider's own children without an accompanying adult to supervise them, the licensing specialist may ask for the name and telephone number of parents or caregivers for these children to help determine whether the children are actually in the care of the licensed provider.

There may be occasions when a non-resident adult will visit the child care bringing along his/her own children under the age of 7. Children must be properly supervised when a provider is visiting with another adult. Appropriate consideration must be given to the children's activities during these visits.

45.05(4)(a)2. continued

JOINT ACTIVITIES WITH MORE THAN ONE LICENSED/CERTIFIED PROVIDER: Licensing rules do not permit family child care centers to combine at one licensed premises for joint activities if the number of children present will exceed 8 because the building codes for a family child care center were designed for no more than 8 children in care at one time. Having more than 8 children present requires that the Wisconsin Commercial Building Codes for 9 or more children in care be followed.

As an alternative to meeting at a family child care center, we suggest that providers planning activities for multiple groups of children use a location off the premises of a licensed family child care center, e.g., the public library or local park. These types of activities, off the premises of a licensed facility, would be considered a field trip and the building code requirements would not apply.

(b) The maximum number of children that one provider may care for is specified in Table 45.05.

See HFS 45.05(1)(b) regarding qualifications of the second provider.

For information on records to be maintained on an assistant or substitute provider, see HFS 45.04(5).

The qualified second provider may be a person under the age of 18 who has successfully completed the DPI approved Assistant Child Care Teacher course, documented by a certificate from DPI. This person may not be left in sole charge of children.

TABLE 45.05
Maximum Number of Children
in Family Child Care per Provider

Children Under 2 Years of Age	Children 2 Years of Age and Older	Maximum Number of Additional Children in First Grade Or Above In Care For Fewer Than 3 Hours a Day	Maximum Number of Children
0	8	0	8
1	7	0	8
2	5	1	8
3	2	3	8
4	0	2	6

An exception may never be granted to exceed the licensed capacity of 8 children.

(c) If the size of the group or the age distribution of the children exceeds the number that may be served by one provider, an additional qualified provider shall be present.

Note: For example, if there are 3 children under age 2 present at one time and 5 children between the ages of 2 years and 6 years present, a second provider is required. At no time may the maximum number of children in care exceed 8.